



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

OCT 23 2015

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Article number: 7015 1520 0003 0792 0091

John P. Schantz III  
Branch Environmental Health and Safety Manager  
Veolia North America  
1 Eden Lane  
Flanders, New Jersey 07836

**Re: Notice of Violation/ RCRA 3007 Information Request**  
**Veolia ES Technical Solution, L.L.C. / EPA Id. Number: NJD002454544**

Dear Mr. Schantz:

The United States Environmental Protection Agency (EPA) is charged with the protection of health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901, 6928.

On or about July 15 and July 29, 2015, duly authorized representatives of EPA conducted inspections of Veolia ES Technical Solution, L.L.C. located at 125 Factory Lane, Middlesex, New Jersey 08846, pursuant to § 3007 of RCRA, 42 U.S.C. § 6927. During the inspections, violations of RCRA were observed.

This letter consists of (1) a Notice of Violation (Enclosure I) which addresses violations of the RCRA requirements determined by EPA during its inspection of the facility; and (2) a request for additional information (Enclosure II) pertaining to the management of hazardous waste at the facility.

The State of New Jersey is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New Jersey.

The Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the HSWA and RCRA, 42 U.S.C. § 6928. Issuance of this Notice of Violation and compliance with its terms do not preclude EPA from taking any other formal enforcement action against you and/or your company under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute. If you have not already done so, you must take immediate action to correct the violations described in the Notice of Violation. Please submit, within fifteen (15) calendar days of the receipt of this Notice of Violation, a response which includes a description of the actions you have taken to correct the noted violations and any documentation necessary to demonstrate that the violations have been corrected.

The request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, which requires that you provide the information requested in Enclosure II to this letter using the instructions and definitions included in Enclosure III. This information is required to evaluate the full regulatory and compliance status of the facility. The information requested in Enclosure II must be submitted no later than thirty (30) calendar days from receipt of this letter. The response must include the CERTIFICATION OF ANSWERS (Enclosure 1V) which must be signed by a responsible official or agent of your company.

Requests for additional time to provide the information requested in Enclosure II must be justified and must be made within ten (10) calendar days of receipt of this letter. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action. This information request is not subject to the requirements of the Paperwork Reduction Act (PRA) as amended, 44 U.S.C. § 3501 et seq.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. This claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

The responses to the Notice of Violation and information request in Enclosure II must be mailed to the following addressee:

John Wilk, Compliance Officer  
Hazardous Waste Compliance Section  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection  
Agency - Region 2  
290 Broadway, 21<sup>st</sup> floor  
New York, New York 10007-1866

If you have any questions regarding this matter, please contact Mr. John Wilk at telephone number (212) 637- 1475 or email: [wilk.john@epa.gov](mailto:wilk.john@epa.gov).

Sincerely yours,

A handwritten signature in black ink, appearing to read 'L. Voo', with a stylized flourish at the end.

Leonard Voo, Chief

*for* RCRA Compliance Branch

Division of Enforcement and Compliance Assistance

Enclosures

cc: Michael Hastry, Chief  
Bureau of Hazardous Waste & UST Compliance and Enforcement  
New Jersey Department of Environmental Protection

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**ENCLOSURE I**  
**NOTICE OF VIOLATION**

On or about July 15 and July 29, 2015, duly authorized representatives of EPA conducted inspections of Veolia ES Technical Solution, L.L.C. located at 125 Factory Lane, Middlesex, New Jersey 08846, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. During the inspections, the EPA inspectors noted the following violations of RCRA:

1. Pursuant to 40 C.F.R. § 264.1052(a)(1), as referenced by Subject Item: HWSG807524 – Tank Storage - 120 of the facility's RCRA Permit HWP130001, each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in Section 264.1063(b).

At or about the time of the above referenced July 15, 2015 inspection, the facility did not perform monthly air emissions monitoring pursuant to 40 C.F.R. § 264.1052(a)(1) on approximately 20 pumps in light liquid hazardous waste service on 30 occasions from April 2012 to April 2015.

The failure of the facility to perform monthly air emissions monitoring pursuant to 40 C.F.R. § 264.1052(a)(1), as alleged above, constitutes a violation of Subject Item: HWSG807524 of the facility's RCRA Permit HWP130001.

2. Pursuant to 40 CFR 264.173(a), as referenced by Subject Item: HWSG807523 – 89 of the facility's RCRA Permit HWP130001, containers storing hazardous waste must be closed except when adding or removing waste.

At the time of the July 29, 2015 inspection, EPA inspectors observed approximately five (5) 55 gallon steel hazardous waste containers at the drum staging area outside the facility's analytical laboratory which had open bung caps while waste was not being removed or added. This occurred as a result of the failure of an employee of the facility to immediately close hazardous drums within a reasonable time period after sampling.

The failure of the facility to close hazardous waste drums pursuant to 40 CFR 264.173(a), as alleged above, constitutes a violation of Subject Item: HWSG807523 – 89 of the facility's RCRA Permit HWP130001.

3. Pursuant to N.J.A.C. 7:26G-8.1 (40 CFR 264.54(d)), as referenced by Permit Item: 45806-60 of the facility's RCRA Permit HWP130001, the facility's contingency plan must be reviewed, and immediately amended, whenever the list of emergency coordinators changes.

At the time of the July 29, 2015 inspection, EPA inspectors noted that Dave Flood, a former employee of the facility, was still listed as an emergency contact on the contingency plan.

The failure of the facility to immediately amend its contingency plan in accordance with N.J.A.C. 7:26G-8.1 (40 CFR 264.54(d)), constitutes a violation of Permit Item: 45806-60 of the facility's RCRA Permit HWP130001.

4. Pursuant to 40 CFR § 264.143(d) and 264.143(c), as referenced by Permit Item: 45806-56 of the facility's RCRA Permit HWP130001, the facility was required to maintain a Standby Trust Agreement.

As or about the time of EPA's inspections, the facility had no existing Standby Trust Agreement and was using a Standby Trust Agreement from Richland Trust Company which was taken over by Park National Bank which, in turn, ceased operations in 2009.

The failure of the facility to maintain a Standby Trust Agreement in accordance with 40 CFR § 264.143(d) and 264.143(c), as alleged above, constitutes a violation of Permit Item: 45806-56 of the facility's RCRA Permit HWP130001.

5. Pursuant to 40 CFR § 264.142(b) and § 246.144(b), as referenced by Permit Item: 45806-53 of the facility's RCRA Permit HWP130001, the facility is required to validate that accurate and current cost estimates are provided and that the required adjusted cost estimates for inflation are provided within sixty (60) days prior to the anniversary of the establishment of the Letter of Credit.

As a result of a review of the facility's financial assurance compliance status, EPA determined the facility submitted a revised May 2013 Part B Permit Application in which it provided a Closure Cost Estimate of \$1,106,484.00. The 2013 GDP Deflator of 1.75% was applied to this sum to arrive at the 2014 Financial Assurance amount of \$1,125,847.40. However, there appears to be a gap of 17 months between the time the new Closure Cost Estimate was issued in May 2013 and a new LOC was issued in October 2014 to cover the Closure Costs of the Veolia Middlesex facility.

The failure of the facility to provide a Closure Cost Estimate within sixty (60) days prior to the anniversary of the establishment of the Letter of Credit, as alleged above, constitutes a violation of Permit Item: 45806-53 of the facility's RCRA Permit HWP130001.



**ENCLOSURE II**  
**REQUEST FOR INFORMATION**

On or about July 15 and July 29, 2015, duly authorized representatives of EPA conducted inspections of Veolia ES Technical Solution, L.L.C. located at 125 Factory Lane, Middlesex, New Jersey 08846, pursuant to § 3007 of RCRA, 42 U.S.C. § 6927. Based on a review of the information obtained during, or as a result of, this RCRA inspections (the Inspections), the following information is required to evaluate the compliance of the facility.

1. With regards to the violations cited in the above Notice of Violation (Enclosure I), please provide (1) a description of the actions taken to correct the violations cited and provide documentation, including documents, photographs (where applicable), etc., verifying that each violation has been corrected; or (2) a rebuttal of the violations including any supporting documentation.





**ENCLOSURE III**  
**INSTRUCTIONS AND DEFINITIONS**

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of Veolia ES Technical Solution, L.L.C (facility). The signatory must sign the attached Certification of Answers (Enclosure IV) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Attachment II.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request For Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is Veolia ES Technical Solution, L.L.C. located at 125 Factory Lane, Middlesex, New Jersey 08846.
11. A hazardous waste generator is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

12. A large quantity generator of hazardous waste is a hazardous waste generator which Generates 1000 kilograms or greater of non-acute hazardous, or more than one quart of acute hazardous waste listed in 261.33(3), in a calendar month.
13. A small quantity generator of hazardous is a hazardous waste generator which generates Greater than 1000 kilograms but less than 1000 kilograms of non-acute hazardous waste in a calendar month in accordance with 40 C.F.R. § 262/34(d).
14. *Hazardous waste* is defined, for the purposes of this Request for Information, as it is define in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).
15. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
16. *Hazardous Constituents* is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII.
17. The term *Solid Waste Management Unit (SWMU)* is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

**ENCLOSURE IV**  
**CERTIFICATION OF ANSWERS**

Veolia ES Technical Solution, L.L.C.  
125 Factory Lane  
Middlesex, New Jersey 08846

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

